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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA

7 Andy Charles Bodie,
8 Petitioner,

9 vs.

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11 Charles L. Ryan, et al.,
12 Respondents.

) No. CV-12-02269-PHX-FJM
)
)

13 **ORDER**

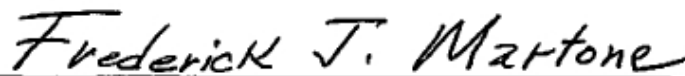
14 The court has before it petitioner's amended petition for writ of habeas corpus
15 pursuant to 28 U.S.C. § 2254 (doc. 5), the respondents' response (doc. 22), and the Report
16 and Recommendation of the United States Magistrate Judge (doc. 24), recommending that
17 petitioner's amended petition for writ of habeas corpus be denied and dismissed with
18 prejudice. No objections to the Report and Recommendation were filed and the time for
19 doing so has now expired.

20 Pursuant to Rule 8(b), Rules Governing § 2254 Cases, the court accepts the
21 recommended decision of the Magistrate Judge.

22 Accordingly, **IT IS ORDERED DENYING AND DISMISSING WITH**
23 **PREJUDICE** the amended petition for writ of habeas corpus (doc. 5).

24 **IT IS FURTHER ORDERED DENYING** a certificate of appealability and leave
25 to proceed *in forma pauperis* on appeal because dismissal of the habeas petition is justified
26 by a plain procedural bar and jurists of reason would not find the procedural ruling debatable.

27 DATED this 22nd day of May, 2014.

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Frederick J. Martone
Senior United States District Judge